

REMARKS

Summary of the Office Action

In the Office Action dated May 11, 1998, claims 1-2 stand rejected under 35 U.S.C. § 102(b) as anticipated by *Sariti*, U.S. Patent No. 3,079,472. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sariti*.

Summary of the Response to the Office Action

Although Applicants do not necessarily agree with the reasoning expressed in the Office Action, in order to expedite the prosecution of this case, Applicants are hereby canceling claim 1, amending claims 2-3 and adding new claims 4-13. Claims 2-13 are currently pending in this application.

The rejection of claim 1 is now moot.

The Rejections under 35 U.S.C. § 102(b)

Newly added claim 4 recites “a back plate having a rectangular shape and having an integrally formed upright pole on its center.” Support for the language of the amendment may be found in FIG. 1 of the present application. *Sariti* fails to disclose at least these elements of the present invention.

As pointed out in M.P.E.P. § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. Of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). In view of the above arguments, Applicants respectfully submit that claim 4 is allowable under 35 U.S.C. § 102(b).

Claims 2, 3 and 5 depend from independent claim 4 and are patentable under 35 U.S.C. § 102(b) at least because independent claim 4 is patentable, as well as for the reasons set forth above.

Accordingly, Applicants respectfully request that the rejection of claim 2 under 35 U.S.C. § 102(b) be withdrawn.

Newly added claim 6 recites “an elliptical frame”. Support for the language of the amendment may be found in FIG. 4 of the present application. *Sariti* fails to disclose at least these elements of the present invention. Accordingly, newly added claim 6, and its dependent claims 7-9 are believed to be allowable under 35 U.S.C. § 102.

Newly added claims 10-13 are allowable for essentially the same reason as those applicable to claims 6-9.

The Rejections under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejections under 35 U.S.C. § 103(a) for the following reasons:

As discussed above with reference to the rejections under 35 U.S.C. § 102(b), newly added independent claims 4 and 6 recite limitations that are not taught or suggested by *Sariti*.

For a proper rejection under 35 U.S.C. § 103(a), “the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention.” *See* M.P.E.P. § 2141. There is no suggestion in the cited references to add the limitations of claims 4 or 6. Accordingly, Applicants respectfully submit that claims 4 and 6 are allowable under 35 U.S.C. § 103(a).

Claims 2, 3 and 5 depend from independent claim 4 and are patentable under 35 U.S.C. § 103(a) at least because independent claim 4 is patentable, as well as for the reasons set forth above. Claims 7-9 depend from claim 6 and are allowable under 35 U.S.C. § 103(a) at least because claim 6 is allowable.

Accordingly, based on the discussion above, Applicants respectfully request that the rejection of claim 3 under 35 U.S.C. § 103(a) be withdrawn.

Claims 10-13 are allowable for essentially the same reason as those applicable to claims 6-9.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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